

1 Plan Submitter, RPF, and LTO Responsibilities, 2000

2 Rule Changes for Consideration by the Interim Committee

3 The Board staff has circulated a 45-Day Notice with proposed changes to the  
4 Forest Practice Rules related to the above subject. The following language  
5 represents tentative proposed modifications to the currently noticed  
6 language. The Chairman of the Board's Interim Committee requested that Board  
7 staff make the DRAFT language available to the public for review to generate  
8 a discussion of issues related to the tentative modifications. The  
9 modifications will be discussed with full public participation at a future  
10 Interim Committee meeting. Any committee discussion of issues related to  
11 this DRAFT language will be publicly noticed as an agenda item of the Board's  
12 Interim Committee Agenda. The modifications will not be made without an  
13 additional public hearing. However, the Board may issue a 15-Day Notice of  
14 the proposed modifications based upon the discussion at the Interim  
15 Committee. Please direct any questions to the Board's staff.

16 The proposed modifications are located in the areas that have been  
17 HIGHLIGHTED.

18 The Board has illustrated changes to the original text in the following  
19 manner:

- 20 • language originally proposed is UNDERLINED
- 21 • deletions to existing language is shown with ~~STRIKETHROUGH~~
- 22 • deletions from the language originally proposed is shown with ~~UNDERLINE~~  
23 AND ~~STRIKETHROUGH~~
- 24 • additions to the originally proposed language is DOUBLE-UNDERLINED

25 **Amend § 1035 Plan Submitter Responsibility**

The plan submitter, or successor in interest, shall:

(a) Ensure that an RPF conducts any activities which require an RPF.

(b) Provide the RPF preparing the plan or amendments with complete and correct information regarding pertinent legal rights to, interests in, and responsibilities for land, timber, and access as these affect the planning and conduct of timber operations.

(c) Sign the THP certifying knowledge of the plan contents and the requirements of this section.

(d) Retain an RPF to provide professional advice regarding the plan,  
its contents, the Forest Practice Rules, and other associated regulations to  
the LTO and timberland owner on a continuing basis throughout the timber  
operations.

1       ~~(d)~~(e) Within five (5) working days of change in RPF responsibilities  
2 for THP implementation or substitution of another RPF, file with the Director  
3 a notice which states the RPF's name and registration number, address, and  
4 subsequent responsibilities for any RPF required fieldwork, amendment  
5 preparation, or operation supervision. Corporations need not file  
6 notification because the RPF of record on each document is the responsible  
7 person.

8       ~~(e)~~(f) Provide a copy of the portions of the approved THP and any  
9 approved operational amendments to the LTO containing the General  
10 Information, Plan of Operations, THP Map, Yarding System Map, Erosion Hazard  
11 Rating Map and any other information deemed by the RPF to be necessary for  
12 timber operations.

13       ~~(f)~~(g) The plan submitter shall notify the Director prior to  
14 commencement of site preparation operations. Receipt of a burning permit is  
15 sufficient notice.

16       ~~(g)~~(h) Disclose to the LTO, prior to the start of operations, through  
17 an on-the-ground meeting, the location and protection measures for any  
18 archaeological or historical sites requiring protection if the RPF has  
19 submitted written notification to the plan submitter that the plan submitter  
20 needs to provide the LTO with this information.

21  
22 **Alternative 1 (from the Interim Committee)**

23 **Amend § 1035       Plan Submitter Responsibility**

24       The plan submitter, or successor in interest, shall:

25       (a) Ensure that an RPF conducts any activities which require an RPF.

      (b) Provide the RPF preparing the plan or amendments with complete and  
correct information regarding pertinent legal rights to, interests in, and

responsibilities for land, timber, and access as these affect the planning and conduct of timber operations.

(c) Sign the THP certifying knowledge of the plan contents and the requirements of this section.

(d) Retain an RPF to provide professional advice to the LTO and timberland owner on a continuing basis throughout the active timber operations regarding: i) the plan, ii) its contents, iii) the Forest Practice Rules, and iv) other associated regulations pertaining to timber operations to the LTO and timberland owner on a continuing basis throughout the timber operations.

(1) The plan submitter may waive the requirement to retain an RPF to provide professional advice to the LTO and timberland owner under the following conditions:

(A) the plan submitter provides authorization to the timberland owner to provide advice to the LTO on a continuing basis throughout the active timber operations provided that the timberland owner is a natural person who personally performs the services of a professional forester and such services are personally performed on lands owned by the timberland owner;

(B) the timberland owner agrees to be present on the harvest area at a sufficient frequency to know the progress of operations and advise the LTO, but not less than once during the life of the plan; and

(C) the plan submitter agrees to provide a copy of the portions of the approved THP and any approved operational amendments to the timberland owner containing the General Information, Plan of Operations, THP Map, Yarding System Map, Erosion Hazard Rating Map and any other information deemed by the timberland owner to be necessary for providing advise to the LTO regarding timber operations.

1 All agreements and authorizations required under 14 CCR § 1035(d)(1)  
2 shall be documented and provided in writing to the Director to be included in  
3 the plan.

4 ~~(d)~~(e) Within five (5) working days of change in RPF responsibilities  
5 for THP implementation or substitution of another RPF, file with the Director  
6 a notice which states the RPF's name and registration number, address, and  
7 subsequent responsibilities for any RPF required fieldwork, amendment  
8 preparation, or operation supervision. Corporations need not file  
9 notification because the RPF of record on each document is the responsible  
10 person.

11 ~~(e)~~(f) Provide a copy of the portions of the approved THP and any  
12 approved operational amendments to the LTO containing the General  
13 Information, Plan of Operations, THP Map, Yarding System Map, Erosion Hazard  
14 Rating Map and any other information deemed by the RPF to be necessary for  
15 timber operations.

16 ~~(f)~~(g) ~~The plan submitter shall n~~Notify the Director prior to  
17 commencement of site preparation operations. Receipt of a burning permit is  
18 sufficient notice.

19 ~~(g)~~(h) Disclose to the LTO, prior to the start of operations, through  
20 an on-the-ground meeting, the location and protection measures for any  
21 archaeological or historical sites requiring protection if the RPF has  
22 submitted written notification to the plan submitter that the plan submitter  
23 needs to provide the LTO with this information.

24  
25 Note: Authority cited: Sections 4551 and 4552, Public Resources Code.  
Reference: Sections 4582 and 4582.5, Public Resources Code.

1 **Amend § 1035.1 Registered Professional Forester Responsibility**

2 (a) Upon submission of a THP, the Registered Professional Forester  
3 (RPF) who prepares and signs a plan is responsible for the accuracy and  
4 completeness of its contents. The responsible RPF ~~preparing the plan~~ shall:

5 (1) Disclose to the timberland owner, timber owner, and plan submitter  
6 any current or pending financial interest the RPF has with regard to the LTO,  
7 plan submitter, timberland owner, timber owner, and timber purchaser, in  
8 regard to the timber or land that is subject of the plan. Disclosure shall  
9 be required as long as an RPF has responsibilities relative to a plan. The  
10 disclosure shall include identification of the real party of interest for  
11 whom the RPF is providing professional forestry services.

12 ~~(a)~~ (2) State in the THP the work which will be performed by the RPF  
13 plan preparer (beyond preparation of the THP and attending the pre-harvest  
14 inspection if requested by the Director), and any additional work requiring  
15 an RPF which the plan preparer does not intend to perform. This may include,  
16 but is not limited to, field work in identifying watercourse and lake  
17 protection zones or special treatment areas, marking trees, or other  
18 activities. The RPF is only responsible for the activities set forth in the  
19 plan when employed for that purpose, or required by the rules of the Board.  
20 The RPF shall state whether or not he or she has been retained to provide  
21 professional advice throughout the timber operations.

22 ~~(b)~~ (3) In writing, inform the plan submitter(s) of their responsibility  
23 pursuant to Section 1035 of this Article, and the timberland owner(s) of  
24 their responsibility for compliance with the requirements of the Act and  
25 where applicable, Board rules regarding site preparation, stocking, and  
maintenance of roads, landings, and erosion control facilities.

1        (b) An RPF retained by the plan submitter to provide professional  
2 advice throughout the timber operations shall:

3        (1) Be present, or ensure that the RPF's supervised designee is  
4 present, on the harvest area at a sufficient frequency to know the progress  
5 of operations and advise the LTO and timberland owner, but not less than once  
6 during the life of the plan.

7        (2) Be authorized by the plan submitter, timberland owner (if a plan  
8 signatory), and the LTO, in writing and made part of the plan, to require the  
9 LTO to stop active timber operations if the RPF determines that work stoppage  
10 is needed to remediate or prevent imminent resource damage or to prevent  
11 substantial deviation from the plan. The work stoppage shall be of  
12 sufficient duration to remedy the condition that resulted in the work  
13 stoppage. Nothing in this chapter shall authorize the RPF to direct or  
14 otherwise control the operation, employees, or any subcontractor of the LTO.

15        (3) Inform the LTO of potential adverse environmental impacts and the  
16 mitigation measures to be taken to minimize such impacts.

17  
18 **Alternative 1 (from the Interim Committee)**

19 **Amend § 1035.1      Registered Professional Forester Responsibility**

20        (a) Upon submission of a THP, the Registered Professional Forester  
21 (RPF) who prepares and signs a plan is responsible for the accuracy and  
22 completeness of its contents. The responsible RPF preparing the plan shall:

23        (1) Disclose to the timberland owner, timber owner, and plan submitter  
24 any current or pending financial interest the RPF has with regard to the LTO,  
25 plan submitter, timberland owner, timber owner, and timber purchaser, in  
regard to the timber or land that is subject of the plan. Disclosure shall

1 ~~be required as long as an RPF has responsibilities relative to a plan. The~~  
2 ~~disclosure shall include identification of the real party of interest for~~  
3 ~~whom the RPF is providing professional forestry services.~~

4 (a) ~~(2)~~(1) State in the THP the work which will be performed by the RPF  
5 plan preparer (beyond preparation of the THP and attending the pre-harvest  
6 inspection if requested by the Director), and any additional work requiring  
7 an RPF which the plan preparer does not intend to perform. This may include,  
8 but is not limited to, field work in identifying watercourse and lake  
9 protection zones or special treatment areas, marking trees, or other  
10 activities. The RPF is only responsible for the activities set forth in the  
11 plan when employed for that purpose, or required by the rules of the Board.  
12 The RPF shall state whether or not he or she has been retained to provide  
13 professional advice throughout the timber operations.

14 (b) ~~(3)~~(2) In writing, inform the plan submitter(s) of their  
15 responsibility pursuant to Section 1035 of this Article, and the timberland  
16 owner(s) of their responsibility for compliance with the requirements of the  
17 Act and where applicable, Board rules regarding site preparation, stocking,  
18 and maintenance of roads, landings, and erosion control facilities.

19 (b) Upon entering into an agreement to accept responsibility for any  
20 part of the preparation of a plan or any work beyond the preparation of a  
21 plan, including providing professional advice; all responsible RPFs shall  
22 disclose to the timberland owner, timber owner, and plan submitter any  
23 current potential conflict of interest the RPFs have with regard to the plan  
24 submitter, timberland owner, timber owner and if known, the LTO and timber  
25 purchaser, in regard to the timber or land that is subject to operations  
under the plan.

1        (c) Disclosure of newly discovered conflicts of interest an RPF has  
2 with regard to the plan submitter, timberland owner, timber owner, the LTO  
3 and timber purchaser, pertaining to the timber or land that is subject to  
4 operations under the plan, shall be required as long as an RPF has  
5 responsibilities relative to a plan. The disclosure shall include  
6 identification of the real party of interest for whom the RPF is providing  
7 professional forestry services.

8        (d) All disclosures made between an RPF and an affected party pursuant  
9 to this section may be kept confidential, but the certification that such  
10 disclosure has been made shall be accomplished through the affected parties'  
11 signatures on the applicable plan.

12        ~~(b)~~(e) An RPF retained by the plan submitter to provide professional  
13 advice throughout the timber operations shall:

14        (1) Be present, or ensure that the RPF's supervised designee is  
15 present, on the harvest area at a sufficient frequency to know the progress  
16 of operations and advise the LTO and timberland owner, but not less than once  
17 during the life of the plan.

18        ~~(2) Be authorized by the plan submitter, timberland owner (if a plan~~  
19 ~~signatory), and the LTO, in writing and made part of the plan, to require the~~  
20 ~~LTO to stop active timber operations if the RPF determines that work stoppage~~  
21 ~~is needed to remediate or prevent imminent resource damage or to prevent~~  
22 ~~substantial deviation from the plan. The work stoppage shall be of~~  
23 ~~sufficient duration to remedy the condition that resulted in the work~~  
24 ~~stoppage. Nothing in this chapter shall authorize the RPF to direct or~~  
25 ~~otherwise control the operation, employees, or any subcontractor of the LTO.~~



1 (3)(2) Inform the LTO during operations of any mitigation measures  
2 incorporated into the plan that are intended to address operations that have  
3 a high likelihood of resulting in immediate, significant and long-term harm  
4 to the natural resources of the State ~~potential adverse environmental impacts~~  
5 and the if such mitigation measures are not strictly applied to be taken to  
6 minimize such impacts.

7 (e)(3) If after a field inspection of an active plan, the responsible  
8 RPF is unable to effectively advise the LTO about measures needed to  
9 remediate or prevent imminent resource damage or to prevent substantial  
10 deviation from the plan, the RPF may withdraw from the plan. The RPF shall  
11 promptly notify in writing the LTO, the timberland owner, the timber owner,  
12 the plan submitter, and the Department of the decision to withdraw  
13 professional services from the plan, and the specific cause that prompted the  
14 decision. Upon receipt of such written notice, the LTO or on-site designated  
15 representative shall cease timber operations until the LTO has received  
16 written notice from the plan submitter that another RPF has visited the plan  
17 site and accepts responsibility for providing advice regarding the plan as  
18 the RPF of record.

19  
20 Note: Authority cited: Sections 4551 and 4552, Public Resources Code.  
21 Reference: Sections 4583 and 4583.5, Public Resources Code.

22 **Amend § 1035.3 Licensed Timber Operator Responsibilities**

23 Each affected Licensed Timber Operator shall:

24 (a) Sign the plan and major amendments to the plan, or sign and file  
25 with the Director a facsimile of such plan or amendments, agreeing to abide  
by the terms and specifications of the plan. This shall be accomplished

1 prior to implementation of i) those operations listed under the plan and ii)  
2 those operations listed under any amendments proposing substantial deviations  
3 from the plan; which the LTO has responsibility for implementing commencement  
4 or continuation of operations.

5 ~~(a)~~(b) Inform the responsible RPF or plan submitter, whether in writing  
6 or orally, of any site conditions which in the LTO's opinion prevent  
7 implementation of the approved plan including amendments.

8 ~~(b)~~(c) Be responsible for the work of his or her employees and  
9 familiarize all employees with the intent and details of the operational and  
10 protection measures of the plan and amendments that apply to their work.

11 ~~(c)~~(d) Keep a copy of the applicable approved plan and amendments  
12 available for reference at the site of active timber operations. The LTO is  
13 not required to possess any confidential addenda to the plan such as the  
14 Confidential Archaeological Addendum, nor is the LTO required to keep a copy  
15 of such confidential plan addenda at the site of active timber operations.

16 ~~(d)~~(e) Comply with all provisions of the Act, Board rules and  
17 regulations, the applicable approved plan and any approved amendments to the  
18 plan.

19 ~~(e)~~(f) In the event that the LTO executing the plan was not available  
20 to attend the on-site meeting to discuss archaeological site protection with  
21 the RPF or supervised designee familiar with on-site conditions pursuant to  
22 Section 929.2 [949.2, 969.2] (b), it shall be the responsibility of the LTO  
23 executing the plan to inquire with the plan submitter, timberland owner, or  
24 their authorized agent, RPF who wrote the plan, or the supervised designee  
25 familiar with on-site conditions, in order to determine if any mitigation

measures or specific operating instructions are contained in the Confidential Archaeological Addendum or any other confidential addendum to the plan.

(g) Provide the RPF responsible for professional advice throughout the timber operations an on-site contact employee authorized by the LTO to receive RPF advice ~~and to stop active timber operations, if requested to do so by the RPF.~~

(h) Keep the RPF responsible for professional advice throughout the timber operations advised of the status of timber operation activity.

(1) Within five days before, and not later than the day of the start-up of a timber operation, the LTO shall notify the RPF of the start of timber operations.

(2) Within five days before, and not later than the day of the shutdown of a timber operation, the LTO shall notify the RPF of the shutdown of timber operations.

(A) The notification of the shutdown of timber operations is not required if the period of the shutdown does not extend beyond a weekend, including a nationally designated legal holiday.

Note: Authority cited: Sections 4551, 4552 and 4571, Public Resources Code.  
Reference: Sections 4528.5 and 4571, Public Resources Code.

**Amend § 1037 THP Preharvest Inspection-Filing Return**

Within ten (10) days of the receipt of a plan, the Director shall determine if the plan is accurate, complete and in proper order, and if so, the plan shall be filed. During this same period, the Director shall determine if a preharvest inspection is necessary. When the Director finds a

1 plan inaccurate, incomplete, or otherwise not in proper order, the plan shall  
2 be returned to the submitter with written specifications of the deficiencies.

3 If a preharvest inspection is to be held, the LTO who will operate  
4 under the plan, if known, shall be invited to participate.

5  
6 Note: Authority cited: Sections 4551, 4551.5, 4552, 4582.7 and 21080.5,  
7 Public Resources Code; *NRDC v. Arcata National Corp.* (1976), 50 Cal. App. 3d  
8 959. Reference: Sections 4581, 4582, 4582.5, 4582.6, 4582.75, 4592, 21081 and  
9 21092, Public Resources Code.

9 **Amend § 1092.11 PTHP Submitter Responsibility**

10 The PTHP submitter, or successor in interest, shall:

11 (a) Ensure that an RPF conducts any activities which require an RPF.

12 (b) Provide the RPF preparing the PTHP or amendments with complete and  
13 correct information regarding pertinent legal rights to, interests in, and  
14 responsibilities for land, timber, and access as these affect the planning  
15 and conduct of timber operations.

16 (c) Sign the PTHP certifying knowledge of it's contents and the  
17 requirements of this section.

18 (d) Retain an RPF to provide professional advice regarding the plan,  
19 its contents, the Forest Practice Rules, and other associated regulations to  
20 the LTO and timberland owner on a continuing basis throughout the timber  
21 operations.

22 ~~(d)~~(e) Within five (5) working days of change in RPF responsibilities  
23 for PTHP implementation or substitution of another RPF, file with the  
24 Director a notice which states the RPF's name and registration number,  
25 address, and subsequent responsibilities for any RPF required field work,  
amendment preparation, or operation supervision. Corporations need not file  
notification because the RPF of record on each document is the responsible  
person.

1       ~~(e)~~(f) Provide a copy of the approved PTHP and any amendments to the  
2 LTO.

3       ~~(f)~~(g) Notify the Director prior to commencement of site preparation  
4 operations. Receipt of a burning permit is sufficient notice.

5  
6 **Alternative 1 (from the Interim Committee)**

7 **Amend § 1092.11     PTHP Submitter Responsibility**

8       The PTHP submitter, or successor in interest, shall:

9       (a) Ensure that an RPF conducts any activities which require an RPF.

10       (b) Provide the RPF preparing the PTHP or amendments with complete and  
correct information regarding pertinent legal rights to, interests in, and  
responsibilities for land, timber, and access as these affect the planning  
and conduct of timber operations.

11       (c) Sign the PTHP certifying knowledge of it's contents and the  
requirements of this section.

12       (d) Retain an RPF to provide professional advice to the LTO and  
13 timberland owner on a continuing basis throughout the active timber  
14 operations regarding: i) the plan, ii) its contents, iii) the Forest Practice  
15 Rules, and iv) other associated regulations pertaining to timber operations  
16 to the LTO and timberland owner on a continuing basis throughout the timber  
17 operations.

18       (1) The plan submitter may waive the requirement to retain an RPF to  
19 provide professional advice to the LTO and timberland owner under the  
20 following conditions:

21       (A) the plan submitter provides authorization to the timberland owner  
22 to provide advice to the LTO on a continuing basis throughout the active  
23 timber operations provided that the timberland owner is a natural person who  
24 personally performs the services of a professional forester and such services  
25 are personally performed on lands owned by the timberland owner;

1 (B) the timberland owner agrees to be present on the harvest area at a  
2 sufficient frequency to know the progress of operations and advise the LTO,  
3 but not less than once during the life of the plan; and

4 (C) the plan submitter agrees to provide a copy of the portions of the  
5 approved PTHP and any approved operational amendments to the timberland owner  
6 containing the General Information, Plan of Operations, PTHP Map, Yarding  
7 System Map, Erosion Hazard Rating Map and any other information deemed by the  
8 timberland owner to be necessary for providing advise to the LTO regarding  
9 timber operations.

10 All agreements and authorizations required under 14 CCR § 1035(d)(1)  
11 shall be documented and provided in writing to the Director to be included in  
12 the plan.

13 ~~(d)~~(e) Within five (5) working days of change in RPF responsibilities  
14 for PTHP implementation or substitution of another RPF, file with the  
15 Director a notice which states the RPF's name and registration number,  
16 address, and subsequent responsibilities for any RPF required field work,  
17 amendment preparation, or operation supervision. Corporations need not file  
18 notification because the RPF of record on each document is the responsible  
19 person.

20 ~~(e)~~(f) Provide a copy of the approved PTHP and any amendments to the  
21 LTO.

22 ~~(f)~~(g) Notify the Director prior to commencement of site preparation  
23 operations. Receipt of a burning permit is sufficient notice.

24  
25 Note: Authority cited: Sections 4551 and 4582 ~~4527~~, Public Resources Code.  
Reference: Sections 4582 and 4582.5, Public Resources Code.

1  
2 **Amend § 1092.12 Registered Professional Forester Responsibility**

3 (a) Upon submission of a PTHP, the RPF who prepares and signs a PTHP is  
4 responsible for the accuracy and completeness of its contents. The  
5 responsible RPF shall:

6 (1) Disclose to the timberland owner, timber owner, and plan submitter  
7 any current or pending financial interest the RPF has with regard to the LTO,  
8 plan submitter, timberland owner, timber owner, and timber purchaser, in  
9 regard to the timber or land that is subject of the plan. Disclosure shall  
10 be required as long as an RPF has responsibilities relative to a plan. The  
11 disclosure shall include identification of the real party of interest for  
12 whom the RPF is providing professional forestry services.

13 ~~(b) The RPF preparing the PTHP shall~~ (2) list or describe in the PTHP  
14 any work which will be performed by the PTHP preparer and any additional work  
15 requiring an RPF which the PTHP preparer does not intend to perform. This  
16 may include, but is not limited to, field work in identifying watercourse and  
17 lake protection zones or special treatment areas, marking trees, or other  
18 activities. The RPF is only responsible for the activities for which he or  
19 she is employed, or those required by the rules of the Board. The RPF shall  
20 state whether or not he or she has been retained to provide professional  
21 advice throughout the timber operations.

22 ~~(c) The RPF preparing the PTHP shall,~~ (3) in writing, inform the PTHP  
23 submitter(s) of their responsibility pursuant to Section 1092.11 of this  
24 Article and the timberland owner(s) of their responsibility for compliance  
25 with the requirements of the Act and, where applicable, Board rules regarding

1 site preparation, stocking, and maintenance of roads, landings, and erosion  
2 control facilities.

3 (b) An RPF retained by the plan submitter to provide professional  
4 advice throughout the timber operations shall:

5 (1) Be present, or ensure that the RPF's supervised designee is  
6 present, on the harvest area at a sufficient frequency to know the progress  
7 of operations and advise the LTO and timberland owner, but not less than once  
8 during the life of the plan.

9 (2) Be authorized by the plan submitter, timberland owner (if a plan  
10 signatory), and the LTO, in writing and made part of the plan, to require the  
11 LTO to stop active timber operations if the RPF determines that work stoppage  
12 is needed to remediate or prevent imminent resource damage or to prevent  
13 substantial deviation from the plan. The work stoppage shall be of  
14 sufficient duration to remedy the condition that resulted in the work  
15 stoppage. Nothing in this chapter shall authorize the RPF to direct or  
16 otherwise control the operation, employees, or any subcontractor of the LTO.

17 (3) Inform the LTO of potential adverse environmental impacts and the  
18 mitigation measures to be taken to minimize such impacts.

19  
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23 responsible for the accuracy and completeness of its contents. ~~The~~

24 ~~responsible RPF shall:~~

25 ~~(1) Disclose to the timberland owner, timber owner, and plan submitter~~  
~~any current or pending financial interest the RPF has with regard to the LTO,~~



1 ~~plan submitter, timberland owner, timber owner, and timber purchaser, in~~  
2 ~~regard to the timber or land that is subject of the plan. Disclosure shall~~  
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7 any work which will be performed by the PTHP preparer and any additional work  
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17 Article and the timberland owner(s) of their responsibility for compliance  
18 with the requirements of the Act and, where applicable, Board rules regarding  
19 site preparation, stocking, and maintenance of roads, landings, and erosion  
20 control facilities.

21 (d) Upon entering into an agreement to accept responsibility for any  
22 part of the preparation of a plan or any work beyond the preparation of a  
23 plan, including providing professional advice; all responsible RPFs shall  
24 disclose to the timberland owner, timber owner, and plan submitter any  
25 current potential conflict of interest the RPFs have with regard to the plan  
submitter, timberland owner, timber owner and if known, the LTO and timber

1 purchaser, in regard to the timber or land that is subject to operations  
2 under the plan.

3 (e) Disclosure of newly discovered conflicts of interest an RPF has  
4 with regard to the plan submitter, timberland owner, timber owner, the LTO  
5 and timber purchaser, pertaining to the timber or land that is subject to  
6 operations under the plan, shall be required as long as an RPF has  
7 responsibilities relative to a plan. The disclosure shall include  
8 identification of the real party of interest for whom the RPF is providing  
9 professional forestry services.

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12 disclosure has been made shall be accomplished through the affected parties'  
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15 advice throughout the timber operations shall:

16 (1) Be present, or ensure that the RPF's supervised designee is  
17 present, on the harvest area at a sufficient frequency to know the progress  
18 of operations and advise the LTO and timberland owner, but not less than once  
19 during the life of the plan.

20 ~~(2) Be authorized by the plan submitter, timberland owner (if a plan~~  
21 ~~signatory), and the LTO, in writing and made part of the plan, to require the~~  
22 ~~LTO to stop active timber operations if the RPF determines that work stoppage~~  
23 ~~is needed to remediate or prevent imminent resource damage or to prevent~~  
24 ~~substantial deviation from the plan. The work stoppage shall be of~~  
25 ~~sufficient duration to remedy the condition that resulted in the work~~

1 ~~stoppage. Nothing in this chapter shall authorize the RPF to direct or~~  
2 ~~otherwise control the operation, employees, or any subcontractor of the LTO.~~

3 (3)(2) Inform the LTO during operations of any mitigation measures  
4 incorporated into the plan that are intended to address operations that have  
5 a high likelihood of resulting in immediate, significant and long-term harm  
6 to the natural resources of the State ~~potential adverse environmental impacts~~  
7 and the if such mitigation measures are not strictly applied to be taken to  
8 minimize such impacts.

9 (e)(3) If after a field inspection of an active plan, the responsible  
10 RPF is unable to effectively advise the LTO about measures needed to  
11 remediate or prevent imminent resource damage or to prevent substantial  
12 deviation from the plan, the RPF may withdraw from the plan. The RPF shall  
13 promptly notify in writing the LTO, the timberland owner, the timber owner,  
14 the plan submitter, and the Department of the decision to withdraw  
15 professional services from the plan, and the specific cause that prompted the  
16 decision. Upon receipt of such written notice, the LTO or on-site designated  
17 representative shall cease timber operations until the LTO has received  
18 written notice from the plan submitter that another RPF has visited the plan  
19 site and accepts responsibility for providing advice regarding the plan as  
20 the RPF of record.

21  
22 Note: Authority cited: Sections 4551 and 4552, Public Resources Code.  
23 Reference: Sections 4583.2 and 4583.5, Public Resources Code.  
24  
25

1 **Amend § 1092.14 Licensed Timber Operator Responsibilities**

2 Each Licensed Timber Operator shall:

3 (a) Sign the plan and major amendments to the plan, or sign and file  
4 with the Director a facsimile of such plan or amendments, agreeing to abide  
5 by the terms and specifications of the plan. This shall be accomplished  
6 prior to commencement or continuation of operations.

7 ~~(a)~~(b) Inform the responsible RPF and PTHP submitter, either in writing  
8 or orally, of any site conditions which in the LTO's opinion prevent  
9 implementation of the PTHP.

10 ~~(b)~~(c) Be responsible for the work of his or her employees and  
11 familiarize all employees with the intent and details of the operational land  
12 protection measures of the PTHP and amendments or minor deviations that apply  
13 to their work.

14 ~~(c)~~(d) Keep a copy of the applicable approved PTHP and amendments  
15 available for reference at the site of active timber operations.

16 ~~(d)~~(e) Comply with all provisions of the Act, Board rules and  
17 regulations, the applicable PTHP and any approved amendments or minor  
18 deviations.

19 (g) Provide the RPF responsible for professional advice throughout the  
20 timber operations an on-site contact employee authorized by the LTO to  
21 receive RPF advice and to stop active timber operations, if requested to do  
22 so by the RPF.

1 Alternative 1 (from the Interim Committee)

2 **Amend § 1092.14 Licensed Timber Operator Responsibilities**

3 Each affected Licensed Timber Operator shall:

4 (a) Sign the plan and major amendments to the plan, or sign and file  
5 with the Director a facsimile of such plan or amendments, agreeing to abide  
6 by the terms and specifications of the plan. This shall be accomplished  
7 prior to implementation of i) those operations listed under the plan and ii)  
8 those operations listed under any amendments proposing substantial deviations  
9 from the plan; which the LTO has responsibility for implementing commencement  
10 or continuation of operations.

11 ~~(a)~~(b) Inform the responsible RPF and PTHP submitter, either in writing  
12 or orally, of any site conditions which in the LTO's opinion prevent  
13 implementation of the PTHP.

14 ~~(b)~~(c) Be responsible for the work of his or her employees and  
15 familiarize all employees with the intent and details of the operational land  
16 protection measures of the PTHP and amendments or minor deviations that apply  
17 to their work.

18 ~~(c)~~(d) Keep a copy of the applicable approved PTHP and amendments  
19 available for reference at the site of active timber operations.

20 ~~(d)~~(e) Comply with all provisions of the Act, Board rules and  
21 regulations, the applicable PTHP and any approved amendments or minor  
22 deviations.

23 (f) In the event that the LTO executing the plan was not available to  
24 attend the on-site meeting to discuss archaeological site protection with the  
25 RPF or supervised designee familiar with on-site conditions pursuant to  
Section 929.2 [949.2, 969.2] (b), it shall be the responsibility of the LTO

1 executing the plan to inquire with the plan submitter, timberland owner, or  
2 their authorized agent, RPF who wrote the plan, or the supervised designee  
3 familiar with on-site conditions, in order to determine if any mitigation  
4 measures or specific operating instructions are contained in the Confidential  
5 Archaeological Addendum or any other confidential addendum to the plan.

6 (g) Provide the RPF responsible for professional advice throughout the  
7 timber operations an on-site contact employee authorized by the LTO to  
8 receive RPF advice ~~and to stop active timber operations, if requested to do~~  
9 ~~so by the RPF.~~

10 (h) Keep the RPF responsible for professional advice throughout the  
11 timber operations advised of the status of timber operation activity.

12 (1) Within five days before, and not later than the day of the start-up  
13 of a timber operation, the LTO shall notify the RPF of the start of timber  
14 operations.

15 (2) Within five days before, and not later than the day of the shutdown  
16 of a timber operation, the LTO shall notify the RPF of the shutdown of timber  
17 operations.

18 (A) The notification of the shutdown of timber operations is not  
19 required if the period of the shutdown does not extend beyond a weekend,  
20 including a nationally designated legal holiday.

21  
22 Note: Authority cited: Sections 4551, 4552 and 4571, Public Resources Code.  
23 Reference: Sections 4551, 4551.5 and 4582, Public Resources Code.  
24  
25

1 **Amend § 1092.16 PTHP Review Inspection-Filing Return**

2       Within ten (10) days of the receipt of a PTHP, the Director shall  
3 determine if the PTHP is accurate, complete and in proper order, and if so,  
4 the PTHP shall be filed. During this same period, the Director shall  
5 determine if a preharvest inspection is necessary. If a preharvest  
6 inspection is needed, the department will notify the submitter, the  
7 Department of Fish and Game, ~~and~~ the appropriate Regional Water Control  
8 Board, and the LTO who will operate under the plan, if known, to determine if  
9 they want to attend and to schedule a mutually agreeable time and date of the  
10 inspection consistent with PRC 4582.7. When the Director finds a PTHP  
11 inaccurate, incomplete, or otherwise not in proper order, the PTHP shall be  
12 returned to the submitter with written specifications of the deficiencies.

13  
14 Note: Authority cited: Sections 4551, 4551.5, 4552, 4582.7 and 21080.5,  
15 Public Resources Code; and *NRDC v. Arcata National Corp.* (1976), 50 Cal. App.  
16 3d 959. Reference: Sections 4581, 4582, 4582.5, 4582.6, 4582.75, 4592, 21081  
and 21092, Public Resources Code.

17 doh: 5/22/2000  
18 File: 15 Day Notice Rule Language (tent)  
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20  
21  
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23  
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